

prepared by the 8(a) concern and submitted to SBA. SBA may request additional information before the request is processed.

(e) Assistance under this section will be made only when the agreements entered into by SBA to fund training or upgrading contain acceptable training and upgrading standards and acceptable monitoring standards and requirements to insure the integrity and effectiveness of the training or upgrading.

(f) The Participant must give adequate assurance that it will employ the trainee or upgraded employee for at least six months after the training or upgrading financed pursuant to this section has been completed. Trainees and upgraded employees must provide a similar assurance that they will remain in the employ of the 8(a) firm for such six-month period. Such assurance will consist of an appropriate written employment agreement. If a trainee or upgraded employee does not remain in the employ of the participant for at least six months after receiving such SBA-financed training or upgrading, the violating party must reimburse SBA for the amount expended together with any reasonable interest and costs incurred for collection. In addition, the violating party, whether it is the Participant, individual trainee or upgraded employee, shall be barred from receiving any further assistance under this section. The appropriate SBA Regional Administrator, or his/her designee, may waive the reimbursement provisions of this paragraph in limited circumstances where an employee's leaving is due to an unforeseen event (e.g., the employee's spouse is relocated by his/her business and the employee must move).

§ 124.307 Contractual assistance.

(a) It is the policy of SBA to enter into contracts with other Government agencies and to subcontract the performance of such contracts, pursuant to section 8(a)(1)(C) of the Small Business Act, to 8(a) Program Participants at prices which will enable such concerns to perform the contracts and earn a reasonable profit.

(b) Such subcontracts may either be sole source awards or awards attained

through competition reserved for eligible Participants.

(c) Admission into the 8(a) program does not bestow a right to receive 8(a) contracts. SBA's approval of a Participant's business plan pursuant to § 124.301 does not guarantee the Participant any particular level of contract support.

(d) While a Program Participant's projected level of 8(a) contract support is required as part of its business plan under § 124.302(b) as a planning and development tool, the level approved by SBA will not prevent contract awards above that level so long as SBA determines the concern to be competent and responsible to perform any such contracts and the Participant is in compliance with any applicable competitive business mix requirement, or approved remedial plan, imposed by § 124.312.

(e) An 8(a) contract will be provided to a Participant only when such contract is consistent with the Participant's capabilities and business development needs, as determined by SBA.

(f) Except as provided in § 124.311(i), an 8(a) concern must be an eligible Program Participant on the date of contract award.

[54 FR 34712, Aug. 21, 1989, as amended at 59 FR 12815, Mar. 18, 1994; 60 FR 29976, June 7, 1995]

§ 124.308 Procedures for obtaining and accepting procurements for the 8(a) program.

(a) *PCR-serviced agencies.* If an SBA Procurement Center Representative (PCR) is resident or has liaison responsibilities in a procuring agency, he/she will be responsible for screening proposed procurements for possible 8(a) contracts, in accordance with 13 CFR 125.6.

(b) *Requirement identification.* (1) A requirement for possible award may be identified by SBA, a particular Program Participant or the procuring agency itself. Once a requirement that appears suitable for the 8(a) program has been identified, SBA shall verify the appropriateness of the SIC code designation assigned to the requirement and request the procuring agency to offer the requirement to the 8(a) program.